

REMARKS

Claims 2 and 3 are all the claims pending in the application.

In Paragraph No. 2 of the Office Action, claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Miyahara et al ('751 A) in view of Arakawa et al (JP '528 A), Mussig ('353 B1) or Matsui et al (EP '354 A2).

Applicants respectfully traverse the rejection for the reasons as follows.

Miyahara et al teaches a pressure-sensitive adhesive tape for repairing a corroded area of a coated steel plate. The tape is adhered to a corroded area, and a paint is applied thereon. A pressure-sensitive adhesive layer formed in a thickness of 0.1-0.5 mm contacts a steel plate surface and adheres thereto. As a result, it is possible to prevent penetration of moisture from an adhering interface. A non-woven fabric promotes adhesiveness of a paint, thereby preventing the paint from peeling. A film formed between the non-woven fabric and the pressure-sensitive adhesive layer prevents penetration of moisture from a vertical direction.

Applicants submit that the tape of Miyahara et al is far remote from the object of the present invention in the constitution and the method of use. In particular, the tape of Miyahara et al provides a permanent adhesion, and is designed so that it is difficult to peel off the tape from an adherend. Therefore, one of ordinary skill in the art would not have been motivated to use the tape of Miyahara et al to achieve the present invention, which requires releasability.

Further, assuming *arguendo* that a *prima facie* case may have been established, Applicants urge patentability and rebut the *prima facie* case of obviousness by establishing that the present invention provides unexpectedly superior results, as explained below.

Miyahara et al discloses that the adhesive sheet prevents penetration of the moisture in a perpendicular direction and permeation, and holds the adhesion to a surface of metal for a long period of time ([0029]).

On the other hand, as described in the Abstract, the present invention provides sheets for protecting paint films of automobiles, which are excellent in durability, function of protecting paint films and peelability. The results in Table 1 also show that the present invention is excellent in follow-up performance to curved surfaces and peelability. Miyahara et al does not teach or suggest these advantages of using the adhesive sheets in protecting paint films of automobiles, which results are unexpectedly superior over the prior art relied upon by the Examiner.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In Paragraph No. 3 of the Office Action, claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Seth ('964) in view of Arakawa et al, Mussig or Matsui et al.

Applicants respectfully traverse the rejection for the reasons as follows.

Assuming *arguendo* and without admitting that a *prima facie* case might have been established, Applicants urge patentability based on unexpectedly superior results.

Seth only discloses the adhesion strength of the adhesive tape (Examples). On the other hand, as described in the Abstract, the present invention provides sheets for protecting paint films of automobiles, which are excellent in durability, function of protecting paint films and

peelability (Abstract). The results in Table 1 also show that the present invention is excellent in the follow-up performance to curved surfaces and peelability. Seth does not teach or suggest these advantages of using the adhesive tapes in protecting paint films of automobiles.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In the Advisory Action, the Examiner indicated that Applicants have not provided direct comparative data, by using the closest prior art examples, showing the unexpected results of the present invention, specifically, in terms of peelability (versus Miyahara et al), water penetration (versus both Miyahara et al and Seth) and the ability to conform to the contours of a curved surfaces (also versus both Miyahara et al and Seth).

In response, Applicants herewith submit an unexecuted Declaration under 37 C.F.R. § 1.132 by Mr. Tsuyoshi INOUE, a co-inventor of the present application. The Declaration clearly demonstrates the superiority of the present invention, and thus establish the patentability over the cited prior art. The executed Declaration will be submitted as soon as it is received.

In the Declaration, tapes were prepared by using Example 1 of Miyahara et al and Example 1 of Seth, respectively, and then subjected to the same tests as described in the present specification. The structures of each tape and the test results are summarized below, along with the results obtained in Example 1 of the present specification.

		Example 1 of Present Application	Example 1 of Miyahara	Example 1 of Seth
Structure	Basis weight of non-woven fabric	40 g/m ²	70 g/m ²	45 g/m ²
	Polyolefin film	PP film 20 µm	PE film 50 µm	PP film 65 µm
	Pressure-sensitive adhesive	PIB 15 µm	SIS 280 µm	SIS 38 µm
Results of evaluation tests	Follow-up performance to curved surface	Good	Wrinkles generated	Wrinkles generated
	Permeation of Water	None	Yes	Yes
	Protecting properties	Good	Good	Good
	Peeling properties	Good	Poor	Poor
	Adhesion strength (N/25 mm)	2.7	Peeling impossible	Peeling impossible

PIB: Polyisobutylene

SIS: Styrene-isoprene-styrene

As clearly from the results, the present invention is superior to Miyahara et al and Seth, in terms of follow-up performance to curved surface, water permeation and peelability.

Based on the results, Mr. Inoue concluded that Example 1 of Miyahara et al and Example 1 of Seth perform like cloth tapes, and cannot be used as a protective sheet intended in the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.114(C)
U.S. Appln. No. 09/311,753

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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